

District Judge Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICK OLMSTEAD,  
Plaintiff,  
v.  
SECRETARY OF THE NAVY  
RAY MABUS  
Defendant.

No. 3:13-cv-5051-BHS  
DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION FOR  
VOLUNTARY DISMISSAL

Defendant Ray Mabus, in his official capacity as Secretary of the Department of Navy, by and through his attorneys, Annette L. Hayes, Acting United States Attorney for the Western District of Washington, and Marion J. Mittet, Assistant United States Attorney for said District, submits this response to Plaintiff's Motion to Voluntarily Dismiss his Complaint.

**I. RESPONSE.**

The government has no objection to Mr. Olmstead voluntarily dismissing his lawsuit and agrees that the parties should bear their own costs. The dismissal, however, should be with prejudice.

**II. CONCLUSION**

Defendant respectfully asks this Court to dismiss Plaintiff's Complaint with prejudice.

DATED this 22nd Day of December, 2014.

Respectfully submitted,

ANNETTE L. HAYES  
Acting United States Attorney

s/Marion J. Mittet  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers;

It is further certified that on December 22, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

Dianna J. Caley      [dcaley@wongfleming.com](mailto:dcaley@wongfleming.com)

I further certify that on December 22, 2014, I mailed by United States Postal Service the foregoing to the following non-CM/ECF participant(s)/CM/ECF participant(s), addressed as follows:

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Dated this 22<sup>nd</sup> day of December, 2014.

s/ Sharon P. Gore

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